

**REMARKS**

After careful review of the cited references, Applicants respectively request reconsideration in view of the above amendments and following remarks.

**CLAIM REJECTIONS**

In the Office Action mailed July 1, 2005, the Examiner rejected claims 1-10 and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over Hinri et al (6,731,609) in view of Beyda et al (6,404,873).

**THE PRESENTLY CLAIMED INVENTION**

Claims 11-14 have been canceled and claims 1, 6, 15, 16, and 17 have been amended.

Applicants' presently claimed invention allows callers on a multi-party conference call to set up a private call session or temporary "sidebar" conference outside the on-going conference. The temporary sidebar conference call is setup using SIP INVITE messages to initiate the temporary conference call, and SIP RE-INVITE messages are used to redirect the voice data streams.

Claim 1, for example, is directed to a method of establishing an sidebar conference between at least two users, by creating the temporary sidebar conference using a SIP INVITE message, directing the audio stream of the first conference to the sidebar conference using a SIP RE-INVITE message, directing the audio stream of the first and second user to the sidebar conference using additional SIP RE-INVITE messages wherein the audio stream of the first and second users are only audible to the first and second user.

### **THE CITED PRIOR ART**

Hinri et al teaches a multimedia telephonic communications system capable of establishing multi-party conference calls as shown in Figs. 2A and 2B. Hinri has a "Transfer to Device" function to transfer a telephone call from one endpoint device to another device. (Col. 10, lines 60-62). Hinri also has a "Mute Conference" ability to mute one of the parties on the call so that the party cannot hear the call. (Col. 10, lines 63-67). Hinri, however, does not show "creating a temporary conference" and "directing the audio stream of the conference to the sidebar conference" such that callers may have a private sidebar that other callers cannot hear, yet they can still hear the on-going conference.

Beyda et al teaches an audio subconference call system. The audio system includes a conference call subsystem, a subconference call subsystem, a data mixer and a data router. The system of Beyda is silent with respect to how the conference calls, subconference calls, and data mixers are established or controlled.

### **THE COMBINATION OF HINRI AND BEYDA DOES NOT RESULT IN THE CLAIMED INVENTION**

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest all the claim limitations, and there must be some suggestion or motivation to combine or modify the cited references. (MPEP § 2142). Applicants submit that neither Hinri nor Beyda, separately or in combination, teach or suggest (1) "creating a temporary conference by transmitting a SIP INVITE message to a call conference server;" (2) "directing the audio stream of the conference to the temporary conference by transmitting a first SIP RE-INVITE message;" (3) and "directing the audio stream of the second user to the temporary conference by transmitting second and third SIP RE-INVITE messages, respectively, wherein

the audio stream of first user and the audio stream of the second user are only audible to the first and second user" as required by independent claims.

Since the proposed combination of Hinri and Beyda does not teach or suggest all of the limitations of independent claims 1, 6, 15, 16 and 17, the asserted combination does not obviate claims 1, 6, 15, 16 and 17. Dependent claims 2-5, and 7-10 depend from allowable claims 1 and 6 are likewise allowable as well.

### CONCLUSION

Applicants respectively submit that in view of the remarks above, all of the pending claims are in condition for allowance and such action is respectively requested. The Examiner is invited to call the undersigned at (312) 913-3305 with any questions or comments.

Respectfully submitted,

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